

# John Sheehan Spadaro, LLC

ATTORNEY AT LAW

724 YORKLYN ROAD, SUITE 375  
HOCKESSIN, DELAWARE 19707

TELEPHONE: 302.235.7745

FACSIMILE: 302.235.2536

JSPADARO@JOHNSHEEHANSPADARO.COM

June 28, 2007

## **BY ELECTRONIC FILING**

The Honorable Joseph J. Farnan, Jr.  
United States District Court for the District of Delaware  
844 North King Street  
Wilmington, DE 19801

**RE: Homsey v. Vigilant Ins. Co.**  
**C.A. No. 07-338JJF**

Dear Judge Farnan:

I represent the plaintiffs Coleman DuPont Homsey and Ellen Homsey in this insurance coverage case against the defendant Vigilant Insurance Company. The Homseys are not business people, but private individuals who (as we contend) suffered a six-figure monetary loss.

Given their circumstances, the Homseys have a natural desire to expedite the case as much as possible. At the same time, we realize that with a vacant judgeship still waiting to be filled, this must be a time of added burden to the Court. We have therefore framed a proposal aimed at both speed and efficiency (on the one hand) and reduced burden to the Court (on the other).

Specifically, we propose that Vigilant's pending partial motion to dismiss (D.I. 3) be referred to Magistrate Judge Thyng for disposition under Rule 72(b). Should the Court make such a referral, the Homseys will waive any right to object or take exception to the Magistrate Judge's recommendations on that motion.<sup>1</sup>

---

<sup>1</sup> The Homseys have proposed to Vigilant a referral of all proceedings through and including trial to the Magistrate Judge under Rule 73. We understand that Vigilant is still considering that proposal.

The Hon. Joseph J. Farnan, Jr.

June 28, 2007

Page 2

---

I hope the Court finds this proposal useful, particularly in light of the circumstances described above. In any event, I am available to address any questions regarding this matter.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr

encl.

cc: Denise S. Kraft, Esq. (by electronic filing)